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OFFICE OF PETITIONS

In re	:	
Cobb, et al.	:	DECISION ON
Application No. 10/616,529	:	PETITION
Filing Date: July 10, 2003	:	
Attorney Docket No. 15518-001001	:	

This is a decision on the RENEWED PETITION TO GRANT FILING DATE which was filed June 15, 2005, and which requested that the application papers which were deposited on July 10, 2003, be accepted and accorded a filing date of July 10, 2003.

The petition is before the Office of Patent Legal Administration for decision.

REVIEW OF FACTS

1. On July 10, 2003, the application was deposited as a reissue of patent No. 4,906,070.
2. On July 13, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Reissue Application, notifying applicants that the application papers had not been accorded a filing date because they were deposited without a specification or drawings.
3. On August 23, 2004, applicants filed a petition asserting that the application was complete as filed. In support thereof, applicants submitted a copy of a USPTO date stamped postcard receipt, itemizing a patent application, including a specification, claims, and drawings.

4. The August 23, 2004 petition was dismissed in a decision mailed on May 25, 2005. Applicants had failed to supply a copy of the patent.

DECISION ON PETITION TO ACCORD FILING DATE
AND ACCEPT PAPERS AS COMPLETE APPLICATION

A filing date of July 10, 2003, is requested based on the deposit of a specification and drawings on that date. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. Petitioners' evidence has been considered and found persuasive that the papers deposited on July 10, 2003 included a specification and drawings. While the copy of the patent purported to have been submitted on petition has not been located, a copy has been made from Office records and placed in the application file.

In view of the above, this application is accepted as a complete application and accorded a filing date of July 10, 2003.

CONCLUSION

1. The petition is granted.
2. The application is being returned to the Office of Initial Patent Examination for further processing as a reissue application with a filing date of July 10, 2003, using the copy of Patent No. 4,906,070 made from Office records.
3. Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 571-272-3207.
4. Inquiries regarding petition status or general petition information are handled by the Office of Petitions staff at (571) 272-3282.



Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration